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STATE BANK OF TEXAS

8
9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**
11

12 STATE BANK OF TEXAS, a Texas
13 state-chartered bank, as successor-in-
interest to the original lender,

14 Plaintiff,

15 v.

16 SAM PARABIA, an individual;
17 PERIN PARABIA, an individual,
18 FARZIN MORENA, an individual,
19 CITIZENS BUSINESS BANK, a
California corporation;
20 AYER CAPITAL ADVISORS, INC., a
New York corporation; and
DOES 1 through 10, inclusive,

21 Defendants.
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Case No. 3:14-cv-03031-L-DHB

**PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANTS SAM
PARABIA, PERIN PARABIA,
FARZIN MORENA, AND AYER
CAPITAL ADVISORS, INC.**

[Plaintiff's Memorandum of Points and
Authorities in support of Motion;
Declaration of Lawrence J. Hilton;
Declaration of Chan Patel; Proposed
Judgement filed concurrently herewith]

Date: November 21, 2016
Time: 10:30 a.m.
Courtroom: 5B

Judge: Hon. M. James Lorenz

**NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT**

1 **TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE** that on November 21, 2016, at 10:30 a.m., in
4 Courtroom 5B of the above titled Court, located at the Edward J. Schwartz U.S.
5 Courthouse, 221 West Broadway, San Diego, California 92101, Plaintiff State Bank
6 of Texas (“State Bank”), will and hereby does move the Court, pursuant to Rule
7 55(b)(2) of the Federal Rules of Civil Procedure, for a Default Judgment against
8 Defendants Sam Parabia, Perin Parabia, Farzin Morena, and Ayer Capital Advisors,
9 Inc.¹ No oral argument will be heard unless requested by the Court.

10 This motion is brought on the grounds that defendants Sam Parabia, Perin
11 Parabia, Farzin Morena, and Ayer Capital Advisors, Inc. have been duly-served with
12 summons and State Bank’s Verified Second Amended and Supplemental Complaint
13 for Judicial Foreclosure on Deed of Trust (“SAC”), but each of these defendants has
14 failed to file a response to Plaintiff’s SAC, resulting in the Clerk’s entry of default
15 as to Sam Parabia (on July 13, 2016), Perin Parabia (same), Ayer Capital Advisors,
16 Inc. (same), and Farzin Morena (on August 5, 2016).

17 None of these four Defendants is a minor, an incompetent person, in military
18 service, or otherwise exempted under the Soldiers' and Sailors' Civil Relief Act of
19 1940. Notice of this Motion for Entry of Default Judgment, and all supporting
20 papers, has been served on Sam Parabia and Perin Parabia via the Court’s CM/ECF
21 system. Even though they have not appeared in this Action, Plaintiff will also
22 attempt to serve this Notice, and all supporting papers, on Ayer Capital Advisors,
23 Inc. and Farzin Morena at least 7 days before the hearing, and Plaintiff will file the
24 proofs of service if it is able to serve them. The details regarding the judgment

25
26 ¹ Plaintiff is not currently requesting a default judgment against Citizens Business
27 Bank because that Defendant filed an Answer to Plaintiff’s Second Amended
28 Complaint. (See Dkt. No. 60-2.) However, Plaintiff is concurrently filing a Motion
for Summary Judgment or Partial Summary Judgment Against Citizens Business
Bank.

1 sought is set forth in the Declaration of Lawrence J. Hilton and the Declaration of
2 Chan Patel filed concurrently herewith.

3 This motion is supported by this notice and motion, the Memorandum of
4 Points and Authorities filed concurrently herewith, and the Declarations of
5 Lawrence J. Hilton and Chan Patel filed concurrently herewith, together with the
6 pleadings and papers that have already been filed with the Court, and upon such
7 other matters as may be presented to the Court prior to the time of the hearing.
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9 Dated: September 19, 2016

ONE LLP

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12 By: /s/ Robert D. Hunt

13 Robert D. Hunt

14 Lawrence J. Hilton

15 John M. Whelan

16 Attorneys for Plaintiff,

17 STATE BANK OF TEXAS
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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2016, I electronically transmitted the foregoing document using the CM/ECF system for filing, which will transmit the document electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies have been served on those indicated as non-registered participants.

/s/ Robert D. Hunt
Robert D. Hunt